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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/541,137	03/31/2000	Douglas J. Durrant	K35A0568	3023
26890 7590 01/22/2007 JAMES M. STOVER NCR CORPORATION 1700 SOUTH PATTERSON BLVD, WHQ4 DAYTON, OH 45479			EXAMINER RAO, SHEELA S	
			ART UNIT	PAPER NUMBER
			2125	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/22/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/541,137

Applicant(s)

DURRANT ET AL.

Examiner

Sheela Rao

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Applicant's Request for Continued Examination along with the amended claims, filed November 30 2006, have been entered and considered.
2. Claims 1-12 are pending and presented for examination. Claims 1, 2, 7, and 8 have been amended.

***Response to Amendment***

3. The rejection of claims 1-12 under 35 USC § 102(e) as being anticipated by USPN 6,381,556 B1 issued to Kazemi et al. is withdrawn in light of the amendments made to the instant claims.

**Claim Rejections - 35 USC § 103**

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,381,556 B1 issued to Kazemi et al. in view of USPN 4,509,123 issued to Vereen.

Kazemi, et al. teaches of a system and method to analyze raw data or manufacturing parameters derived from a manufacturing control facility. The patented reference discloses the use of a data warehouse to store raw data or manufacturing parameters. Then these parameters or data is analyzed through the use of data-mining algorithms. A data analyzer that includes a number of different basic applications is disclosed in detail. See c. 7; ll. 9 et seq.

Additionally, Kazemi teaches the use of the data mining programs to analyze, detect and report the various raw datum or manufacturing parameters, as per the limitations of instant claims 1-12. Among

the data mining programs, a defect analyzer tool is present to provide the status, to collect, classify, analyze, and interpret defect data collected in the manufacturing pipelines. See c. 19; ll. 63, et seq.

Kazemi fails to teach or suggest the first set of parameters containing a subset of parameters that indicate similarities among the manufacturing items and the subset of parameters being compared to the larger set of parameters. For this reason, the prior art by Vereen is combined and relied upon. Vereen teaches of a tracking process usable in the manufacturing environment as a means of maintaining inventory data. In doing so, Vereen discloses the review of data records for identifying items with certain characteristics as ordered by the customer. In c. 3: beginning at line 10, the process of labeling, detecting, and comparing data assigned to garments as they are grouped and subgrouped is explained. Furthermore, the data records are searched or analyzed to identify and compare garments, see c. 3: ll. 47-51. Vereen continues to describe the process when a garment or product that does not belong is found and how this piece is excluded from the box, as per the newly added limitation of instant claims 2 and 8, see c. 4: ll. 16-30, and claims 1 & 7 of the reference.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the inventory comparing and identifying process as used by Verren with the analysis process of Kazemi so as to have a system that allows for rapid and accurate entry, retrieval, and reporting of the inventory or manufacturing process. As stated at lines 50-53 of column 8, the invention by Vereen is not limited to the application using garments and may be used with any items of manufacture.

Furthermore, a raw data table is present in the stored databases of the collected and summarized manufacturing parameters as taught by Kazemi. Serial numbers of the boards being processed, start dates, product codes, stop date are among the data that is included in the raw data table. See c. 9; ll. 40-54.

The limitations of instant claims 1-12 are taught by the patented reference to Kazemi et al. in view of Vereen. For the reasons stated above, the limitations of the claimed invention are taught by the prior arts of record; thereby, rendering the instant claims unpatentable.

**Response to Arguments**

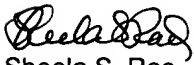
6. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

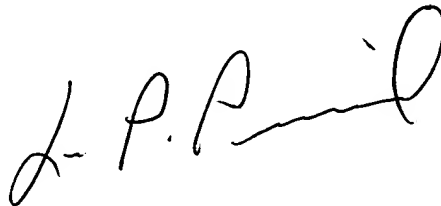
**Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela Rao whose telephone number is (571) 272-3751. The examiner can normally be reached Monday - Friday from 8:30 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard, can be reached on (571) 272-3749. The fax number for the organization where this application or any proceeding papers is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. It should be noted that status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should any questions arise regarding access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Sheela S. Rao  
January 17, 2007



**LEO PICARD**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**